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05/15/2019

Permit Application Number SAJ-2011-00551 (SP-TSH)

Formerly: SAJ-2011-00551 (IP-TEH)

Formerly: SAJ-1998-2682 (IP-MN); Ridge Road Extension (RRE)

Colonel Andrew D. Kelly
Commander, Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, FL 32207-8175

Shawn Zinszer,
Chief, Regulatory Division
Jacksonville District
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, FL 32207-8175

Jay Herrington,
Field Office Supervisor
U. S. Fish & Wildlife Service
North Florida Ecological Services Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517

Heath Rauschenberger
Deputy Field Supervisor
U. S. Fish & Wildlife Service
North Florida Ecological Services Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517

Annie Dziergowski,
Project Consultant Supervisor
U. S. Fish & Wildlife Service
North Florida Ecological Services Office
7915 Baymeadows Way, Suite 200
Jacksonville, FL 32256-7517

Dear Colonel Kelly, Regulatory Chief Zinszer, USFWS Field Office Supervisor Herrington, Deputy Field Supervisor Rauschenberger and Project Consultant Supervisor Dziergowski,

Please put this Comment # 30 into the Administrative Record.

INTRODUCTION

COMMENT # 30 HAS TWO PARTS. PART 1 CONTAINS TWO LETTERS FROM TWO TAMPA SECTION CHIEFS IN 2012 THAT STATE THE ACOE'S POSITION ON LISTED SPECIES SURVEYS AND THE ESA REQUIREMENT THEY BE CURRENT AND FOLLOW USFWS PROTOCOL. PART 2 CONTAINS EVIDENCE THAT, OF THE 21 YEARS THIS APPLICATION HAS BEEN REVIEWED, ALMOST 14 YEARS OF DELAY ARE THE FAULT OF PASCO COUNTY.

PART 1—TWO 2012 LETTERS TELLING PASCO LISTED SPECIES SURVEYS MUST BE CURRENT TO BE VALID AND 6 YEARS FROM LAST SURVEY WAS TOO LONG. NOW, IN 2019, IT HAS AGAIN BEEN 6 YEARS FROM THE LAST SURVEYS

PART 1—THE TWO 2012 ACOE LETTERS TO PASCO

A--THE APRIL 25, 2012 LETTER

COMMENT INSERT--APPENDIX "A" HAS THE COMPLETE LETTER. EXCERPTS FROM THAT LETTER ARE BELOW IN THIS SECTION WITH COMMENTS ADDED WHEN NECESSARY.

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610

April 25, 2012

COMMENT INSERT—THE MOST IMPORTANT PART OF BOTH LETTERS IS THE DIRECT REFERENCE TO THE NEED TO PROVIDE UPDATED LISTED SPECIES SURVEY INFORMATION SINCE

“survey efforts within all project phases, including Phase II, must be complete prior to a permit decision.”

AND

“to comply with the ESA this information must be provided prior to a permit decision.”

AND

“Any delay in surveys on Phase II may render previously completed surveys on Phase I invalid, depending on the length of time that has passed, changes in habitat conditions, and developments in scientific research.”

COMMENT INSERT--THOSE THREE STATEMENTS ABOVE INDICATE THAT, BEFORE ANY PERMIT DECISION IS MADE, THE ESA REQUIRES THAT LISTED SPECIES SURVEY DATA BE PROVIDED THAT IS NOT INVALIDATED BY “... the length of time that has passed, changes in habitat conditions...” AND THAT PHASE 2 SURVEYS MUST BE COMPLETED “...prior to a permit decision.”

THAT DETERMINATION ABOVE BY CHIEF SCHNEPEL IN 2012 HOLDS TRUE NOW IN 2019. THE LENGTH OF TIME THAT HAD ELAPSED SINCE THE LAST SURVEYS IN 2013 IS ALMOST IDENTICAL TO THE “LENGTH OF TIME” THAT HAS ELAPSED NOW IN 2019 SINCE THE LAST SURVEY IN 2013.

Wood stork

- a. Specify the level of survey effort per each helicopter flight ¹ (e.g. number of passes, hours spent, etc.)
- b. Specify appropriate constraints on weather conditions under which the helicopter flights will be conducted.
- c. Revise the plan to state that if a colony is observed, the nest location will be verified on the ground and the location recorded.

¹ Helicopter surveys alone will not be sufficient to address potential wood stork foraging habitat. Although not required as part of the wildlife survey plan, you will ultimately be required to complete the foraging habitat assessment procedure in accordance with the 2008 USFWS Wood Stork Key for Central and North Peninsular Florida.

COMMENT INSERT—THE ABOVE WOODSTORK SURVEY REQUIREMENTS INCLUDED GROUNDTRUTHED SURVEYS FOR COLONIES AND NESTS AS WELL AS THE ASSESSMENT OF SFH THAT WOULD BE IMPACTED BY THE RRE ROW. THE SAME SURVEY DATA MUST NOW BE REQUIRED IN 2019.

– 2 –

Florida scrub-jay

- a. Much of the habitat for Florida scrub-jays within the Serenova Tract is a sub-optimal fragmented mosaic of patchy habitat. Recent research suggests that in such landscapes, scrub-jay dispersal distances are much longer on average than in contiguous, optimal habitat. Based on this information, the Corps has determined that the 0.5-mile survey radius listed in the 2007 USFWS survey protocol (and proposed in your survey plan) for this species is inadequate. Both the USFWS and the FFWCC support a 3.5 km survey radius for this project. Consistent with our February 28, 2008 letter, the survey plan must be revised to include areas within 3.5 km of the project footprint. The project footprint includes the proposed right-of-way and ponds.
- b. The 2007 USFWS protocol requires that the following habitat types be surveyed, if present: xeric oak scrub; scrubby pine flatwoods; scrubby coastal strand; sand pine scrub; pine-mesic oak; xeric oak; sand live oak; improved, unimproved, and woodland pastures; citrus groves; rangeland; pine flatwoods; longleaf pine xeric oak; sand pine; sand pine plantations; forest regeneration areas; sand other than beaches; disturbed rural land in transition without positive indicators of intended activity; and disturbed burned areas. Provide a survey map clearly indicating the location of these habitat types within the 3.5 km survey radius as well as the proposed playback stations. Indicate which of the listed habitat types are not present within the 3.5 km survey radius.
- c. Provide details regarding the current suitability of scrub-jay habitat within the 3.5 km survey radius, including the status of the controlled burn regime conducted by the Southwest Florida Water Management District within the Serenova Tract.

COMMENT INSERT—THE REFERENCE ABOVE TO THE “...current suitability of scrub-jay habitat within the 3.5 km survey radius, including the status of the controlled burn regime conducted by the Southwest Florida Water Management District within the Serenova Tract” ALSO MUST BE REQUIRED NOW IN 2019, SINCE HABITATS DEVELOP OVER TIME AND THE SWFWMD HAS

BEEN CONDUCTIING AGGRESSIVE BURN MANAGEMENT ACTIVITIES DURING THE PAST 6 YEARS THAT MAY HAVE GREATLY IMPROVED THE SCRUB OAK HABITATS OF THE SCRUB JAY, AND OTHER LISTED SPECIES HABITATS AS WELL. IF NEW MEMBERS OF ANY LISTED SPECIES HAVE DISPERSED INTO THAT 19,000-ACRE STARKEY/SERENOVA PRESERVE THE 2019 SURVEY WILL INDICATE THAT. REINITIATION OF FORMAL CONSULTATION BETWEEN THE ACOE AND USFWS FOR THE SCRUB JAY WILL THEN BE REQUIRED.

Eastern Indigo Snake

a. Closer review of the 1998 Wildlife and Habitat Evaluation Report revealed that the proposed project will impact greater than 25 acres of xeric habitat. The January 25, 2010 Eastern Indigo Snake Programmatic Effect Determination Key (Enclosure 1) results in the following progression: A > B > C > D > "may affect". To determine if formal consultation is required, the Corps requests that you proceed with your plan to survey for this species in accordance with the Survey Protocol for the Eastern Indigo Snake in North and Central Florida, dated September 2011 (Enclosure 2).

COMMENT INSERT—THAT "SURVEY PROTOCOL" SHOWN BELOW, AND IN THE PREVIOUS COMMENT # 29, EXPRESSLY STATES THAT E. I. SNAKE SURVEYS ARE GOOD FOR 2 YEARS:

https://www.fws.gov/northflorida/indigosnakes/20110930_NFESO_EIS_survey_protocol_no_appendices.pdf

Reporting

The surveyor(s) and their supervisor should sign and date the completed Final Survey Report and data sheets provided in Appendix B and submit it to the Service... The Service will consider the results of the survey protocol to be **valid for two (2) years from the date of completion**, unless the habitat has been significantly modified.

COMMENT INSERT—AND PASCO'S BIOLOGICAL CONSULTANT IN 2012 ATTEMPTED TO AVOID ANY E.I. SNAKE SURVEY BY SUGGESTING IN THE EMAIL BELOW THAT:

John Chiarelli

From: Shirley R. Denton [shirley.denton@cardno.com]

Sent: Tuesday, February 21, 2012 2:14 PM

To: Keith L. Wiley; John Chiarelli; Tom Montgomery'; Shirley R. Denton

Cc: AndyAlipour

Subject: RE: RRE - Scope of Services

Any thoughts on indigo snake? If I read the USFWS letter correctly, **we may be able to get away with asserting that we'll use the "Standard Protection Measures"** - if no, then we'll need to survey for the snakes and we would not reach a "no effect" when following the ACOE key...and indeed, an indigo was apparently reported from the Starkey/Serenova area in 2008 though likely not in the RR ROW. **The current USFWS survey methodology is best described as onerous and should be avoided if at all possible.**

Shirley R Denton, Ph.D.

Senior Project Scientist **Cardno ENTRIX**, 3905 Crescent Park Drive, Riverview, FL 33578

Phone: 813 664 4500 Direct: 813 257 0023 Mobile: 813 625 5031 Fax: 813 664 0440

Striped Newt

- a. Specify that sampling will not be limited to ephemeral waters within preferred longleaf pine sandhill habitat and will include ephemeral waters in sub-optimal habitats.
- b. Each ephemeral water must be identified and assigned a ranking to indicate the quality of habitat. Sampling must include the highest quality habitats, along with a random, stratified sample of sub-optimal habitats, sufficient to detect the species if present.
- c. The survey map for this species must show all available ephemeral waters, the assigned habitat rank, and indicate which will be surveyed.

COMMENT INSERT—THE “...available ephemeral waters...” MENTIONED ABOVE COULD HAVE EITHER INCREASED OR DECREASED OVER THE PAST 6 YEARS SUCH THAT A 2019 SURVEY MUST INCLUDE AN ASSESSMENT OF THE EXTENT OF THOSE WATERS IN THE ACTION AREA.

– 3 –

Plant surveys. (Brooksville bellflower, Cooley’s water willow, Britton’s bear-grass)

- a. Specify how each species will be identified
- b. Describe and identify optimal and sub-optimal habitat within the survey area. Assign each habitat a ranking to indicate the quality of habitat. Sampling must include the highest quality habitats, along with a random, stratified sample of sub-optimal habitats, sufficient to detect the species if present.
- c. The survey map for each species must show all optimal and sub-optimal habitat within the survey area, the assigned rank, which will be surveyed, and approximate transect locations.

The Corps understands that habitat surveys of the project area were conducted in 1997-1998 to determine the potential presence of species based on habitat conditions, followed by wildlife surveys to determine which species were present. A report was provided to this office on July 5, 2005, updating the information in the 1998 Wildlife and Habitat Evaluation Report. **Given the amount of time that has passed, coupled with potential changes in habitat conditions due to management activities on the Serenova Tract, the Corps requests that this document be updated and submitted along with the final survey report.** This update should address, but not be limited to, potential habitat and presence of the Florida pine snake, Sherman’s fox squirrel, Florida mouse, little blue heron, tri-colored heron, white ibis, southeastern American kestrel, limpkin, Florida sandhill crane, Florida burrowing owl, Florida shorttailed snake, gopher tortoise, Suwannee cooter, and gopher frog. An assessment should be made in terms of the potential for high, moderate, low, or confirmed occurrence of these species. The assessment should be performed based on the presence of a suitable amount, type, and quality of appropriate habitat types and field observations made during the planned wildlife surveys and other project related work as well as the scientific literature and available resource databases.

COMMENT INSERT—THE ACOE ABOVE REFERS EXPLICITLY TO THE “...amount of time that has passed, coupled with potential changes in habitat conditions due to management activities on the Serenova Tract...” AND REQUESTED IN 2012 THAT THE WILDLIFE AND HABITAT EVALUATION REPORT BE UPDATED AND INCLUDED IN THE FINAL SURVEY REPORT. THAT SAME REQUIREMENT MUST BE MADE NOW IN 2019 SINCE THE “...amount of time that has

passed...” IS ALMOST EXACTLY THE SAME.

COMMENT INSERT—BELOW THE ACOE REFERS TO “...whether you had resolved access issues that would enable survey efforts within Phase II of the project, east of the Suncoast Parkway.” AS OF 05/2019 THOSE ACCESS ISSUES HAVE NOT BEEN RESOLVED AND HAVE BECOME EVEN MORE RESTRICTIVE FOR A NUMBER OF REASONS ALREADY IN THE ADMINISTRATIVE RECORD. THAT IS THE MAIN REASON WHY PASCO HAS TAKEN ALMOST 2 YEARS TO RESPOND TO THE ACOE’S MAY 11, 2017 RAI.

In a meeting on March 23, 2012, the Corps inquired as to whether you had resolved access issues that would enable survey efforts within Phase II of the project, east of the Suncoast Parkway. At that time, you indicated you would be contacting the landowners. **As survey efforts within all project phases, including Phase II, must be complete prior to a permit decision, we again request the status of your access to these areas. Please also provide an estimated survey schedule, by species and phase, to ensure the timely completion of our review. Any delay in surveys on Phase II may render previously completed surveys on Phase I invalid, depending on the length of time that has passed, changes in habitat conditions, and developments in scientific research.**

Please provide a revised wildlife survey plan, addressing the above-listed items. This plan will be reviewed by the Corps in consultation with the USFWS and FFWCC. As the results of the wildlife surveys are needed to assess the potential effects on protected species, **to comply with the ESA this information must be provided prior to a permit decision.** The wildlife survey plan must be approved by the Corps prior to commencement of survey efforts. We request you provide the revised wildlife survey plan no later than May 25, 2012. If no response is received, we will assume you have no further interest in obtaining a DA permit and the application will be withdrawn.

The contents of this letter pertain solely to wildlife surveys and do not reflect our ongoing review of other aspects of your application. This letter should not be interpreted as acceptance or approval of any aspect of the proposed application. The Corps is currently reviewing your

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application and the comments received in response to the November 28, 2011 public notice. Upon completion of this review, you will be notified of any outstanding information needed to finalize the evaluation of your application.

Should you have any questions or comments regarding this letter, please contact Tracy Hurst of my staff at the letterhead address, by phone at 813-769-7063, or by electronic mail at Tracy.E.Hurst@usace.army.mil.

Sincerely,

Charles A. Schnepel
Chief, Tampa Permits Section

B--THE JULY 3, 2012 LETTER

APPENDIX "B" HAS THE COMPLETE LETTER.

COMMENT INSERT—THE EXCERPTS BELOW FROM THE ACOE LETTER TO PASCO BASICALLY REASSERTS WHAT WAS IN THE APRIL 2012 LETTER THREE MONTHS BEFORE. THE ONLY NEW INFORMATION PROVIDED BY THE ACOE WAS:

1-THE ADDITION OF A SECTION ON THE RCW AND THE NEED TO ASSESS "...as suitable foraging habitat prior to groundtruthing."

2-SPECIFIC OPTIONS FOR SURVEYING FOR E. I. SNAKES. IT INCLUDES THE REQUIREMENT OF AN "...assessment of potential project impacts on the fragmentation of Eastern indigo snake habitat..."

4-A REMINDER THAT "...helicopter surveys alone will not be sufficient to address potential wood stork foraging habitat."

5-ANOTHER REMINDER OF THE "... access issues that would enable survey efforts within Phase II of the project..."

COMMENT INSERT—THE ACOE IS CORRECT IN STATING THAT NO COMPLIANCE WITH THE REQUIREMENTS OF THE ESA IS POSSIBLE, NOR ANY PERMIT DECISION VERIFYING THAT COMPLIANCE, WITHOUT A TIMELY LISTED SPECIES SURVEY. THAT SURVEY MUST REFLECT CURRENT CONDITIONS REGARDING THE PRESENCE OF ANY LISTED SPECIES, THE IMPROVED OR DEGRADED CONDITION OF THEIR CRITICAL HABITATS AND AN ASSESSMENT OF THE PROBABLE LOSS OF HABITAT. ONLY THEN CAN MITIGATION BE PROVIDED ENSURING NO-NET-LOSS OF A SPECIES OR THEIR HABITAT. SECTION 7(a)(2) OF THE ESA COPIED BELOW MAKES THAT VERY CLEAR.

<https://www.fws.gov/endangered/what-we-do/esp-moa.html>

Statutory Background:

Section 7 of the ESA imposes substantive and procedural obligations on Federal agencies.

Section 7(a)(1) of the ESA requires Federal agencies, in consultation with and with the assistance of the Services, to utilize their authorities to further the purposes of the ESA by carrying out programs for the conservation of listed threatened and endangered species.

Section 7(a)(2) of the ESA states that Federal agencies shall, in consultation with, and with the assistance of the Services, ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any listed species or result in the

destruction or adverse modification of habitat that has been designated as critical for the species.

**PART 2—EVIDENCE OF DECADES OF DELAYS DUE TO PASCO'S
RETICENCE TO ADMIT THEY CANNOT FULFILL THE ACOE & USFWS
REQUIREMENTS. THEY HAVE FOR YEARS BEEN STALLING, HOPING
SOMETHING OUT OF THE BLUE WILL HAPPEN.**

**A—PAST DELAYS OF OVER 9 YEARS VERIFIED BY PROJECT MANAGER
MIKE NOWICKI FROM 2000 TO 2011**

**COMMENT INSERT—AS OF APRIL 2007, PROJECT MANAGER MIKE NOWICKI (2000 – 2010)
ADDED UP ALL OF THE DELAYS BY PASCO, THEN SUBTRACTED DELAYS FROM THE FEDERAL
AGENCIES, TO GET THE TOTAL NET DELAY DUE TO PASCO OF 9.75 YEARS.**

> Subject: RE: A few questions (UNCLASSIFIED)
> Date: Fri, 13 **Apr 2007** 11:47:44 -0400
> From: Michael.F.Nowicki@saj02.usace.army.mil
> To: ramettadan@hotmail.com
>
> Classification: UNCLASSIFIED
> Caveats: NONE
>
> Dan:
>
>
> One benefit of withdrawing that might make sense actually goes to the fact I
> would trash most of the stuff (I would save the old public notice) I have now
> including all the objection letters etc. Any resubmittal would go out on
> public notice again and that public notice would generate hopefully more
> concise responses and, again hopefully, the county would realize that it is
> not very prudent to just go away for 3 years like they did with me. They
> would also realize that responses to public notice comments would need to be
> provided in a more timely manner than in the original application. As I
> remember, public notice comments were sent to the county in April 2000 (or
> very close to that date) and they did not respond to these comments until
> October 2001 or 17 months later.
>
> I think I will detail the delays.
>
> 1. 1994 or 1995: First heard of the RRE at a Suncoast Partnering Meeting.
> 2. Early 1998: Applicant submitted application. **Delay: 3 years**
> 3. Application complete in Feb 2000 and public notice published: **Delay 2**

> **years.**

> 4. April 2000, public notice comments sent to the applicant but response not received until October 2001. **Delay approx 1.5 years.**

> 5. Meeting held in Jax in Feb 2002 to determine what was still needed to address avoidance and minimization. Corps **delay 3 months**

> 6. No response, except one lone e-mail from Steve Godley in the summer of 2004, until April 2005. **Delay 3 years.**

> 7. April 2005 response deemed incomplete. Survey for scrub jays also needed.

> 8. July 2005: Scrub jay survey submitted and formal consultation requested from the FWS. BO in April (I think) of 2006. **FWS delay of maybe 3 months** since FWS asked Mr. Godley for more info.

> 9. Second set of revisions January 25, 2007. **Corps review delay about a month but submittal has lots of mistakes etc. Incomplete.**

> 10. Meeting in the District office sometime in Feb 2007 with Michele Baker, and BRA reps to discuss discrepancies (don't remember the exact date but I remember taking 2 weeks to review so the meeting must have been in mid-Feb).

> To date no further revisions have been submitted. **Delay about 60 days**

>

> So delay would roughly be:

> 1 to 2: 3 years = **36 months**

> 3. 2 years = **24 months**

> 4. 1.5 years = **18 months**

> 5. Corps delay = **-3 months**

> 6. 3 years = **36 months**

> 7. April 2006 to Jan 2007 = **8 months less about 3 months FWS delay**

> 8. Jan 2007 to mid Feb 2007 for meeting **Corps delay 1 month for review**

> 9. Feb 2007 to April 2007 **delay about 1.5 months**

>

> **Total monthly delay would be approximately 124 months less fed delay of about 7 months. Estimated applicant delay at 117 months or 9.75 years. wow.**

>

> Mike

>

> Classification: UNCLASSIFIED

> Caveats: NONE

B— AND RECENTLY ALMOST TWO MORE YEARS OF DELAY DUE TO PASCO HAVE OCCURRED AS THEY ATTEMPTED TO PARTIALLY RESPOND ON MARCH 22, 2019 TO THE ACOE MAY 11, 2017 RAI.

THE ARMY CORPS, IN THE BELOW MAY 11, 2017 REQUEST FOR ADDITIONAL INFORMATION (RAI) IN APPENDIX "C," ASKED FOR 11 ITEMS TO BE RESPONDED TO BY PASCO. IT TOOK ALMOST 2 YEARS FOR THE ACOE TO RECEIVE A PARTIAL RESPONSE. THE ITEMS (# 10 AND # 11) THAT PASCO COULD NOT RESPOND TO, DUE TO LACK OF COOPERATION FROM THE LANDOWNER (LENNAR HOMES AND NO CE) AND THE BEXLEY FAMILY (NO ACCESS TO 4,000

ACRES, PASCO TRIED TO DISMISS AS UNNECESSARY, SINCE THEY HAD NO PLANS TO CONSTRUCT PHASE 2 EAST OF THE PARKWAY. IF THAT IS CORRECT AS THEY STATED, THEN HOW WILL THE ACOE-DEFINED PROJECT PURPOSE TO GO EAST TO US 41 EVER BE ACHIEVED?

PASCO COUNTY, FLORIDA

"Bringing Opportunities Home"

March 22, 2019

Mr. Shayne Hayes, Chief Pensacola Permits Section US Army Corps Engineers, Jacksonville District 41
North Jefferson Street, Suite 301 Pensacola, FL 32502 Re: SAJ-2011-00551 (SP-TSH) —

Ridge Road Extension Subject: Response to Request for Additional Information dated May 11, 2017

Dear Mr. Hayes:

In response to the Request for Additional Information (RAI) dated May 11, 2017 from the Jacksonville District Corps of Engineers (Corps) we are providing this letter and enclosures.

COMMENT INSERT—NOTE ABOVE THAT 22 MONTHS WENT BY BEFORE PASCO RESPONDED TO THE ACOE'S ABOVE RAI.

COMMENT INSERT—IN THEIR RESPONSE TO ITEM # 10 BELOW, PASCO STATED THAT THERE WAS NO LONGER ANY NEED FOR A CE ON THE 35-ACRE MOL MIXED USE PARCEL DIRECTLY EAST OF THE PARKWAY. HOW IS THAT EVEN REMOTELY POSSIBLE SINCE PASCO NEVER WITHDREW THE INTERSECTION THAT ALLOWED FOR THAT ACCESS TO NOT ONLY THE 35-ACRE PARCEL, BUT NOW WILL ALLOW ACCESS TO ALL OF THE ALMOST 7,000 ACRES OF THE BEXLEY RANCH?

"...the need for a conservation easement has been eliminated and no further action is anticipated on this item."

COMMENT INSERT—THE ACOE'S RAI ITEM # 11 IS BELOW. PASCO'S RESPONSE TO THAT ITEM WAS TO SUBMIT JUST A "REVISED" BA FROM 2015 AND NOT AN "UPDATED" BA CONTAINING NEW LISTED SPECIES AND THE RECENT CONDITION OF THEIR CRITICAL HABITATS. IT WAS BASED ON 2012 AND 2013 LISTED SPECIES SURVEYS. HOW CAN THEY THINK SUCH OUTDATED AND NOW INVALID SURVEY DATA WILL BE ACCEPTABLE TO THE FEDERAL AGENCIES?

11. As previously discussed between the Corps, U.S. Fish & Wildlife Service and Pasco County's consulting team, please provide an updated Biological Assessment (BA). The updated BA will be used to facilitate Section 7 Endangered Species Act consultation with the U.S. Fish & Wildlife Service (Service).

The updates should be consistent with the information previously discussed and requested by the Service. Please ensure that the BA addresses all aspects of the proposed project (Phase I & II, and the interchange).

CONCLUSION

COMMENT # 30 PRESENTS EVIDENCE THAT IT HAS BEEN THE ACOE'S POSITION SINCE 2012 THAT UPDATED SURVEYS MUST BE AVAILABLE TO "...to comply with the ESA this information must be provided prior to a permit decision." THAT IS AS TRUE IN 2019 AS IT WAS IN 2012. NO FINAL PERMIT DECISION IS POSSIBLE UNTIL ALL REQUIREMENTS OF THE ESA HAVE BEEN MET.

THAT CONCLUDES COMMENT # 30.

RESPECTFULLY SUBMITTED,

Dan & Sara Rametta
Richard Sommerville
Save Our Serenova
Citizens For Sanity.Com,Inc.
& The Commenters Group

cc: Brigadier General Diana M Holland, Commander, South Atlantic Division
Clif Payne, Chief, Special Projects and Enforcement Branch
Shayne Hayes, Project Manager
Joshua R. Holmes, Principal Assistant District Counsel for Regulatory
Christina Storz, Assistant District Counsel
Cynthia F. Van Der Wiele, Ph.D, USEPA, Region 4

APPENDIX--A

**DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610**

April 25, 2012 REPLY TO

ATTENTION OF

Ms. Michele Baker
Pasco County Board of County Commissioners
7530 Little Road, Suite 320
New Port Richey, Florida 34654

Mr. John Post, Jr.
Florida Department of Transportation
Florida's Turnpike Enterprise
Post Office Box 613069
Ocoee, Florida 34761

Dear Ms. Baker and Mr. Post:

This is in reference to your permit application requesting Department of the Army (DA) authorization to impact waters of the United States in association with a project known as "Ridge Road Extension" (SAJ-2011-00551 (IP-TEH)). By letter dated March 8, 2012, the U.S. Army Corps of Engineers (Corps) requested that you provide a wildlife survey plan for the proposed project. In consultation with the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC), the Corps has reviewed the wildlife survey plan dated April 5, 2012. The proposed wildlife survey plan lacks maps identifying the areas to be surveyed for each species. The maps for each species must include habitat types and transects (and playback stations in the case of scrub jays). An overall map of habitat types within the proposed project footprint must be provided. Without this critical information, we are unable to complete a meaningful review of the plan.

We also request the following species-specific information be included in a revised plan:

Wood stork

- a. Specify the level of survey effort per each helicopter flight ¹ (e.g. number of passes, hours spent, etc.)
- b. Specify appropriate constraints on weather conditions under which the helicopter flights will be conducted.
- c. Revise the plan to state that if a colony is observed, the nest location will be verified on the ground and the location recorded.

¹ Helicopter surveys alone will not be sufficient to address potential wood stork foraging habitat. Although not required as part of the wildlife survey plan, you will ultimately be required to complete the foraging habitat assessment procedure in accordance with the 2008 USFWS Wood Stork Key for Central and North Peninsular Florida.

Florida scrub-jay

a. Much of the habitat for Florida scrub-jays within the Serenova Tract is a sub-optimal fragmented mosaic of patchy habitat. Recent research suggests that in such landscapes, scrub-jay dispersal distances are much longer on average than in contiguous, optimal habitat. Based on this information, the Corps has determined that the 0.5-mile survey radius listed in the 2007 USFWS survey protocol (and proposed in your survey plan) for this species is inadequate. Both the USFWS and the FFWCC support a 3.5 km survey radius for this project. Consistent with our February 28, 2008 letter, the survey plan must be revised to include areas within 3.5 km of the project footprint. The project footprint includes the proposed right-of-way and ponds.

b. The 2007 USFWS protocol requires that the following habitat types be surveyed, if present: xeric oak scrub; scrubby pine flatwoods; scrubby coastal strand; sand pine scrub; pine-mesic oak; xeric oak; sand live oak; improved, unimproved, and woodland pastures; citrus groves; rangeland; pine flatwoods; longleaf pine xeric oak; sand pine; sand pine plantations; forest regeneration areas; sand other than beaches; disturbed rural land in transition without positive indicators of intended activity; and disturbed burned areas. **Provide a survey map clearly indicating the location of these habitat types within the 3.5 km survey radius as well as the proposed playback stations. Indicate which of the listed habitat types are not present within the 3.5 km survey radius.**

c. **Provide details regarding the current suitability of scrub-jay habitat within the 3.5 km survey radius, including the status of the controlled burn regime conducted by the Southwest Florida Water Management District within the Serenova Tract.**

Eastern Indigo Snake

a. Closer review of the 1998 Wildlife and Habitat Evaluation Report revealed that the proposed project will impact greater than 25 acres of xeric habitat. The January 25, 2010 Eastern Indigo Snake Programmatic Effect Determination Key (Enclosure 1) results in the following progression: A > B > C > D > “may affect”. To determine if formal consultation is required, the Corps requests that you proceed with your plan to survey for this species in accordance with the Survey Protocol for the Eastern Indigo Snake in North and Central Florida, dated September 2011 (Enclosure 2).

Striped Newt

- a. Specify that sampling will not be limited to ephemeral waters within preferred longleaf pine sandhill habitat and will include ephemeral waters in sub-optimal habitats.
- b. Each ephemeral water must be identified and assigned a ranking to indicate the quality of habitat. Sampling must include the highest quality habitats, along with a random, stratified sample of sub-optimal habitats, sufficient to detect the species if present.
- c. The survey map for this species must show all available ephemeral waters, the assigned habitat rank, and indicate which will be surveyed.

- 3 -

Plant surveys. (Brooksville bellflower, Cooley’s water willow, Britton’s bear-grass)

- a. Specify how each species will be identified
- b. Describe and identify optimal and sub-optimal habitat within the survey area. Assign each

habitat a ranking to indicate the quality of habitat. Sampling must include the highest quality habitats, along with a random, stratified sample of sub-optimal habitats, sufficient to detect the species if present.

c. The survey map for each species must show all optimal and sub-optimal habitat within the survey area, the assigned rank, which will be surveyed, and approximate transect locations.

The Corps understands that habitat surveys of the project area were conducted in 1997-1998 to determine the potential presence of species based on habitat conditions, followed by wildlife surveys to determine which species were present. A report was provided to this office on July 5, 2005, updating the information in the 1998 Wildlife and Habitat Evaluation Report. **Given the amount of time that has passed, coupled with potential changes in habitat conditions due to management activities on the Serenova Tract, the Corps requests that this document be updated and submitted along with the final survey report.** This update should address, but not be limited to, potential habitat and presence of the Florida pine snake, Sherman's fox squirrel, Florida mouse, little blue heron, tri-colored heron, white ibis, southeastern American kestrel, limpkin, Florida sandhill crane, Florida burrowing owl, Florida shorttailed snake, gopher tortoise, Suwannee cooter, and gopher frog. An assessment should be made in terms of the potential for high, moderate, low, or confirmed occurrence of these species. The assessment should be performed based on the presence of a suitable amount, type, and quality of appropriate habitat types and field observations made during the planned wildlife surveys and other project related work as well as the scientific literature and available resource databases.

NOTE—6 YEARS AND 5 MONTHS—2012 TO 2019 IS 7 YEARS—SAME HOLDS TRUE—TOO MUCH TIME HAS PASSED—SAME REQUIREMENTS NEEDED NOW

LACK OF ACCESS ISSUE:

In a meeting on March 23, 2012, the Corps inquired as to whether you had resolved access issues that would enable survey efforts within Phase II of the project, east of the Suncoast Parkway. At that time, you indicated you would be contacting the landowners. **As survey efforts within all project phases, including Phase II, must be complete prior to a permit decision, we again request the status of your access to these areas. Please also provide an estimated survey schedule, by species and phase, to ensure the timely completion of our review. Any delay in surveys on Phase II may render previously completed surveys on Phase I invalid, depending on the length of time that has passed, changes in habitat conditions, and developments in scientific research.**

Please provide a revised wildlife survey plan, addressing the above-listed items. This plan will be reviewed by the Corps in consultation with the USFWS and FFWCC. As the results of the wildlife surveys are needed to assess the potential effects on protected species, **to comply with the ESA this information must be provided prior to a permit decision.** The wildlife survey plan must be approved by the Corps prior to commencement of survey efforts. We request you provide the revised wildlife survey plan no later than May 25, 2012. If no response is received, we will assume you have no further interest in obtaining a DA permit and the application will be withdrawn.

The contents of this letter pertain solely to wildlife surveys and do not reflect our ongoing review of other aspects of your application. This letter should not be interpreted as acceptance or approval of any aspect of the proposed application. The Corps is currently reviewing your

application and the comments received in response to the November 28, 2011 public notice. Upon completion of this review, you will be notified of any outstanding information needed to finalize the evaluation of your application.

Should you have any questions or comments regarding this letter, please contact Tracy Hurst of my staff at the letterhead address, by phone at 813-769-7063, or by electronic mail at Tracy.E.Hurst@usace.army.mil.

Sincerely,

Charles A. Schnepel
Chief, Tampa Permits Section

Enclosures:

1. 1/25/10 Eastern Indigo Snake Programmatic Effect Determination Key
 2. 9/11 Survey Protocol for the Eastern Indigo Snake in North and Central Florida
- cc (w/encls):

Ms. Jennifer Derby
Wetlands and Marine Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta, GA 30303-8960
Mr. Terry Gilbert
Florida Fish and Wildlife Conservation Commission
27 West Point Drive
Crawfordville, FL 32327
Dr. Heath Rauschenberger
U.S. Fish and Wildlife Service
7915 Baymeadows Way, Suite 200
Jacksonville, Florida 32256-7517

APPENDIX--B

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610

July 3, 2012

Tampa Permits Section
SAJ-2011-00551 (IP-TEH)

Ms. Michele Baker
Pasco County Board of County Commissioners
7530 Little Road, Suite 320
New Port Richey, Florida 34654

Mr. John Post, Jr.

Florida Department of Transportation
Florida's Turnpike Enterprise
Post Office Box 613069
Ocoee, Florida 34761

Dear Ms. Baker and Mr. Post:

This is in reference to your permit application requesting Department of the Army authorization to impact waters of the United States in association with a project known as "Ridge Road Extension" (SAJ-2011-00551 (IP-TEH)).

By letter dated April 25, 2012, the U.S. Army Corps of Engineers (Corps) requested that you provide a revised wildlife survey plan for the proposed project. In consultation with the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC), the Corps has reviewed the revised wildlife survey plan dated May 25, 2012 and supplemental information provided on June 25, 2012. We request that you address the following in a revised plan:

Red-cockaded woodpecker

a. Attachment B of the revised survey plan includes a map of areas to be examined for cavity trees. The Corps presumes that this map depicts areas that may serve as suitable foraging habitat prior to groundtruthing. However, there are large areas of habitat with a pine component that are not included (see Attachment 1 of this letter, which includes these areas outlined in red). These areas include pine flatwoods, long-leaf pine / xeric oak, and hardwood conifer mixed. There are also large areas of pine plantation not marked on this map that may serve as suitable foraging habitat. The Corps requests that you address these areas by providing the specific process by which areas were selected or disqualified for examination for cavity trees as depicted on Attachment B of the revised survey plan.

b. During our May 11, 2012 site visit, a member of your team referenced an inactive cavity tree to the south of the proposed alignment within the Serenova Tract, located during surveys of the original alignment of the Suncoast Parkway. Provide the approximate location of this tree in relation to the proposed project and, if known, the last time it was inspected for activity.

-2-

Florida scrub-jay

a. The revised survey plan includes surveys of sub-optimal and optimal habitats within 0.5 mile of the project footprint and surveys of optimal habitat from 0.5 – 2.2 miles (or 3.5 km). Clarify in detail how optimal, sub-optimal, and non-habitat categories were determined. As part of this clarification, please also address the areas outlined by the Corps in red on Attachment 2 of this letter, shrub/brushland and long-leaf pine / xeric oak habitats that were not selected for survey.

b. The Corps, USFWS, and FFWCC do not agree with the complete elimination of playback stations within sub-optimal habitat from 0.5 – 2.2 miles, although a reduced survey effort in these habitats will be considered. The survey plan must be revised to provide sampling effort within sub-optimal habitat from 0.5 – 2.2 miles. It is recommended that a stratified random sample of the sub-optimal habitats between 0.5 mi – 2.2 miles be completed to ensure adequate coverage across the entire 2.2-mile radius survey area. Where optimal and sub-optimal habitats are heavily comingled between 0.5 mi – 2.2 miles, survey of suboptimal habitats will not be necessary.

The Corps anticipates that you will provide a depiction of proposed playback stations following the field

reconnaissance described in the revised survey plan. Please note that Florida scrub-jay surveys should not be conducted until a final list of playback stations is approved by the Corps.

Eastern Indigo Snake

a. You have identified survey areas based on hydrologic soil group of the identified soil of an area per the National Resources Conservation Service soil survey. You base this on higher reported occurrences of gopher tortoises in certain hydrologic soil groups per the 1998 and 2005 surveys. However, this procedure eliminates from survey vast areas of habitat where gopher tortoises were located during the 1998 and 2005 surveys for the project. **The proposed survey methodology must be revised to address all upland habitats, regardless of hydrologic soil group.** In consultation with the USFWS, we have developed the following survey options for this project:

1. Dog NOT AVAILABLE / Above-ground & underground refugia HAVE NOT been identified:

☐ ☐ Pedestrian transects (no greater than 33' in pasture and no greater than 16' in other upland habitats) within all upland habitat within 1 mile radius of project footprint for at least 5 days between 0900-1600 from Oct 1 – Apr 30.

☐ ☐ Inspection of area within 33' of above-ground and underground refugia identified in transects (search for tracks, scat, or shed skin; examine burrow entrance for snake tracks; use flashlight to view first few feet of burrow). *Note: scoping of gopher tortoise burrows requires authorization from the state of Florida.*

-3-

2. Dog NOT AVAILABLE / 100% of above-ground & underground refugia within all upland habitats HAVE been identified:

☐ ☐ Pedestrian transects (no greater than 33' in pasture and no greater than 16' in other habitats) within all upland habitat found to contain above-ground and/or underground refugia within 1 mile radius of project footprint for at least 5 days between 0900-1600 from Oct 1 – Apr 30.

☐ ☐ Inspection of area within 33' of above-ground and underground refugia identified in transects (search for tracks, scat, or shed skin; examine burrow entrance for snake tracks; use flashlight to view first few feet of burrow). *Note: scoping of gopher tortoise burrows requires authorization from the state of Florida.*

3. Dog AVAILABLE / Above-ground & underground refugia HAVE NOT been identified:

☐ ☐ Pedestrian/dog transects (spaced no farther apart than scent ability of dog) within all upland habitat within 1 mile radius of project footprint between 0900-1600 from Oct 1 – Apr 30.

4. Dog AVAILABLE / 100% of above-ground & underground refugia within all upland habitats HAVE been identified:

☐ ☐ Pedestrian/dog inspection of areas within 33' of above-ground and underground refugia (search for tracks, scat, or shed skin; examine burrow entrance for snake tracks; use flashlight to view first few feet of burrow). *Note: scoping of gopher tortoise burrows requires authorization from the state of Florida.*

Please revise the plan to incorporate one of these options, including all upland habitats, regardless of soil hydrologic group.

b. An assessment of potential project impacts on the fragmentation of Eastern indigo snake habitat will also be required, but is not necessary to include in the wildlife survey plan.

As stated in our April 25, 2012 letter, helicopter surveys alone will not be sufficient to address potential wood stork foraging habitat. Although not required as part of the wildlife survey plan, you will ultimately be required to complete the foraging habitat assessment procedure in accordance with the 2008 USFWS Wood Stork Key for Central and North Peninsular Florida.

In a meeting on March 23, 2012 and by letter dated April 25, 2012, the Corps inquired as to whether you had resolved access issues that would enable survey efforts within Phase II of the project, east of the Suncoast Parkway. On March 23, 2012, you indicated you would be contacting the landowners. As survey efforts within all project phases, including Phase II, must be complete prior to a permit decision, we again request the status of your access to these areas. Please also provide an

-4-

estimated survey schedule, by species and phase, to ensure the timely completion of our review. Any delay in surveys on Phase II may render previously completed surveys on Phase I invalid, depending on the length of time that has passed, changes in habitat conditions, and developments in scientific research.

Please provide a revised wildlife survey plan, addressing the above-listed items. This plan will be reviewed by the Corps in consultation with the USFWS and FFWCC. As the results of the wildlife surveys are needed to assess the potential effects on protected species, to comply with the ESA this information must be provided prior to a permit decision. The wildlife survey plan must be approved by the Corps prior to commencement of survey efforts. We request you provide the revised wildlife survey plan no later than August 2, 2012. If no response is received, we will assume you have no further interest in obtaining a DA permit and the application will be withdrawn.

The contents of this letter pertain solely to wildlife surveys and do not reflect our ongoing review of other aspects of your application. This letter should not be interpreted as acceptance or approval of any aspect of the proposed application. The Corps is currently reviewing your application and the comments received in response to the November 28, 2011 public notice. Upon completion of this review, you will be notified of any outstanding information needed to finalize the evaluation of your application.

Should you have any questions or comments regarding this letter, please contact Tracy Hurst of my staff at the letterhead address, by phone at 813-769-7063, or by electronic mail at Tracy.E.Hurst@usace.army.mil.

Sincerely,

for: Kevin D. O'Kane
Chief, Tampa Permits Section

APPENDIX--C

PAS CO COUNTY FLORIDA OPEN SPACES. VIBRANT PLACE
March 22, 2019

Mr. Shayne Hayes,

Chief Pensacola Permits Section US Army Corps Engineers, Jacksonville District 41 North Jefferson Street, Suite 301 Pensacola, FL 32502 Re: SAJ-2011-00551 (SP-TSH) —

Ridge Road Extension Subject: Response to Request for Additional Information dated **May 11, 2017**

Dear Mr. Hayes:

In response to the Request for Additional Information (RAI) dated May 11, 2017 from the Jacksonville District Corps of Engineers (Corps) we are providing this letter and enclosures. This response is on behalf of both co-applicants. The intent of this response letter is to summarize previous submittals that had addressed an item contained within the RAI or to provide additional information in support of a response to an item. We have repeated each request for information comment/question below and follow each with a summary response in italics. Full responses were previously submitted to the Corps separately and are not duplicated here.

1. Please provide an updated set of project drawings for the Modified 7 (Mod 7) alternative. The updated set of drawings should include all aspects of the proposed project (Phases I/11, and the interchange). Exhibits depicting wetland boundaries, limits of construction, wetland impacts, stream crossings, bridges, wildlife fencing, wildlife crossings, drainage conveyances (culverts), and other appropriate aspects of the project should be included. The drawings should also clearly indicate anticipated roadway connections to the Ridge Road Extension. Due to the need to reproduce and archive the submitted information, please ensure that exhibits are produced at a scale that is legible on standard 8.5-inch by 11-inch paper.

Response: Project drawings at 8.5' x 11" format depicting all of the requested aspects of the proposed project were originally provided as part of the August 13, 2018 Project Modification Notification and Public Notice Input letter. These drawings have been updated to reflect the relocation of one upland wildlife crossing and a change in duration limitations for the temporary construction impacts for bridge construction. The drawings are enclosed herewith as a separate, professional endorsed pdf file named: USACE Permit Plans 3-19-19 Signed.pdf. These plans cover all three segments of the project, Phase I, the Interchange and Phase II and are based on Mod7. As requested, the plans depict wetland boundaries (per the PJD) limits of

PG 2

construction, wetland impacts (by types), stream crossings, bridges, wildlife fencing, wildlife crossings, and cross drainage conveyances (pipe culverts and box culverts). Also depicted are the roadway typical sections, bridge plans and elevations, cross sections at each impact area and special details for the wildlife fencing, and temporary construction impacts for bridge and wall construction.

2. Please provide an updated account (acreages) of the wetland impacts for the Mod 7 alternative that are based on the wetland delineation rather than the Florida Land Use, Cover and Forms Classification System utilized for the Alternatives Analysis. Please discriminate between impacts associated with the

discharge of dredged or fill material, including mechanized land clearing and grading, as compared to shading impacts that would result from bridges. To be clear, activities involving fill discharges, mechanized clearing, and/or grading should all be identified as wetland impact, whereas the area of wetlands that would be shaded by bridges should not be included as wetland impact. It is recommended that impacts be provided in table format indicating the name/number of the wetland polygon and the associated area of impact.

Response: Final Wetland impacts based on the wetland boundaries as depicted in the PJD were provided as part of the UMAM analysis. The final Summary Tables covering the entire project were submitted on December 19, 2018. The Summary Tables were submitted as a pdf file named: FINAL UMAM Summary RRE PH1 PH2 and Suncoast Interchange 12.19.2018. pdf. The table shows the name/number of the wetland polygon and the associated area of impact by type.

3. Please provide a wetland impact map for Mod 7 based on the wetland delineation. This map should be similar to the wetland impact maps found in Attachment F of the Alternatives Analysis. It would be helpful to depict bridge locations, but bridges and shading should not be depicted as wetland impact areas unless there would be an associated fill discharge (for a bridge abutment, for example), mechanized clearing, or grading.

Response: Wetland impacts based on the wetland boundaries as depicted in the PJD were illustrated on the final exhibits provided via email on August 16, 2018 as a pdf file named: Alt? Wetland Impact Mapbook 20180716.pdf.

4. Please provide an exhibit depicting the area of indirect effects to wetlands associated with all aspects of the Mod 7 alternative, as well as the total area (acreage) of indirect effects. This exhibit should be based on the wetland delineation, to the extent possible. Indirect effects that may extend beyond the delineated wetlands should be approximated based on reasonable scientific judgement regarding the extent of wetlands and may consider soil maps, the National Wetlands Inventory, interpretation of aerial imagery, and similar such information. Page 2 of 7

PG 3

Response: Areas of indirect effects to wetlands were illustrated on the final UMAM exhibits provided via email on August 16, 2018 as a pdf file named: Alt? WetlandImpact Mapbook 20180716.pdf.

5. The Corps has previously been advised that at-grade portions of the proposed Ridge Road Extension have been minimized to reduce wetland impacts. Such minimization measures include reduced slopes and/or retaining walls and effectively narrow the project footprint through wetlands. In order to clearly document the minimization efforts, the Corps requests that these areas be identified in a concise list or table that indicates the specific location (Station number, for example) and the specific minimization approach. If this information has already been provided, then please, direct the Corps to the prior correspondence. The Corps welcomes any discussion you may desire to clarify this request or the format in which the information is presented.

Response: A summary of the minimization measures for Ridge Road Extension Phase I & II in tabular form identifying the location and specific approach was submitted as a pdf file to the Corps via email on July 28, 2017. A summary of the minimization employed for the FTE Interchange segment of the project was provided in the permit application submitted in 2011. The description of minimization was: Minimization steps were taken during the design to reduce the footprint of construction in wetlands, locate ponds, etc., outside of wetlands, and limit the clearing and grubbing to only those areas necessary for construction.

6. If temporary wetland impacts would be needed to facilitate construction of bridges or any other aspects of the proposed project, then the areas of temporary impact should be identified on the project drawings. For any temporary impacts that may be proposed, please quantify and describe the proposed impact and discuss any measures that would be taken to minimize impacts and return the area to preconstruction conditions upon completion of work.

Response: Temporary impacts will be needed to facilitate construction of bridges and vertical retaining walls for the project. The temporary impact areas are identified and quantified on the plan sheets included in Enclosure A (sheets 22 to 48). Enclosure A also includes sheets (102 to 104) describing how temporary impacts will be handled including measures that will be taken to minimize the impacts (e.g., time and size limitations) as well as requirements for returning the areas to preconstruction conditions.

7. Please provide an updated compensatory mitigation proposal that would offset all direct and indirect wetland impacts associated with all aspects of the proposed project, including the interchange with Suncoast Parkway. Page 3 of 7

PG 4

Response: Pasco County will utilize mitigation credits purchased from the Old Florida Mitigation Bank (OFMB) for mitigation for all the unavoidable wetland impacts associated with the Ridge Road Extension Phase 1 & Florida's Turnpike Enterprise (FTE) submitted a mitigation proposal to the Corps on March 13, 2018 to use permittee responsible mitigation that was previously constructed. The plan was provided as a pdf file named: 258958-1 mitigation draft coe plan final 031218.pdf. The Corps' review and decision on FTE's mitigation proposal is currently pending. Should the Corps not approve FTE's proposal, mitigation for the interchange segment of the project will be provided through the purchase of credits from an approved mitigation bank.

8. Please provide an updated submittal of the functional assessments, completed using the Uniform Mitigation Assessment Method (UMAM), for all proposed wetland impacts for the Mod 7 alternative, including Phase I, Phase II, and the interchange at Suncoast Parkway. If wetland impacts associated with the interchange would utilize compensatory mitigation other than the Old Florida Mitigation Bank, then a different functional assessment, such as the Wetland Rapid Assessment Procedure (WRAP), may be appropriate, if needed for the purpose of determining credits for a different mitigation bank. If a WRAP assessment is not needed to identify credits for another mitigation bank, then UMAM would be the assessment method preferred by the Corps. If permittee-responsible mitigation is proposed to offset

wetland impacts associated with the interchange, then please provide a complete mitigation plan that includes location maps, performance objectives, success criteria, etc.

Response: The updated functional assessment using UMAM for all impacts associated with Alternative Modified 7A has been submitted to the Corps via email. The final Summary Tables covering the entire project were submitted on December 19, 2018. The UMAM Summary was provided as a pdf file named: FINAL UMAM Summary RRE PHI PH2 and Suncoast Interchange 12.19.2018.pdf. The Final Part 1 and Part 2 forms were submitted on July 17, 2018. This submittal was accompanied by large scale color aerial maps of the project to assist with the Corps' review. The final set of 8.5" x 11" color exhibits were submitted by email on August 16, 2018. Please see the response to Item 7 above regarding compensatory mitigation.

9. Please provide a final assessment of cumulative and indirect effects that would result from the construction of the Modified 7 alternative. Response: The final assessment of Cumulative Effects was submitted to the Corps via email on January 17, 2019. The Cumulative Effects assessment was provided as a pdf file named: RRE Cumulative Impact Analysis —Final 01.16.2019.pdf. Page 4 of 7

PG 5

The final assessment of Indirect Effects was submitted to the Corps via email on January 30, 2019. The submitted file was named: RRE Indirect Impacts Analysis 01.30.2019 Final.pdf. 10. In a letter dated May 19, 2008, Pasco County responded to Corps' and EPA concerns regarding potential cumulative impacts associated with planned Ridge Road. Extension access to two mixed-use parcels located approximately 3,275 east of the Suncoast Parkway. The County advised that it intended to require conservation easements along the perimeter of these two parcels to prevent access to other adjacent parcels, thereby reducing cumulative environmental impacts. Please provide a draft conservation easement and supporting exhibits that depict the boundary of the two mixed-use parcels and the location of the conservation easements. The conservation easement(s) should, at a minimum, meet the following requirements: a. Be legally sufficient b. Should not be granted to the Corps, but should grant third party rights to the Corps c. Be drafted in a manner that would not allow the conservation easement to be modified or released without permission from the Corps d. Should, without question, prevent future roadways, trails, bridges or development on, across, or over the conservation easement Please submit a draft conservation easement to the Corps so that it may be reviewed by our Office of Counsel. Please note that prior to final concurrence by the Corps, a site specific survey and legal description of the conservation easement(s) will be necessary. For your reference, the following language is typically incorporated into Corps-approved conservation easements: Rights of U.S. Army Corps of Engineers (Corps). The Corps, as a third-party beneficiary, shall have the right to enforce the terms and conditions of the Conservation Easement, including: (1) The right to take action to preserve and protect the environmental value of the Property; (2) The right to prevent any activity on or use of the Property that is inconsistent with the purpose of this Conservation Easement, and to require the restoration of areas or features of the Property that may be damaged by any inconsistent activity or use;

(3) The right to enter upon and inspect the Property in a reasonable manner and at reasonable times to determine if Grantor or its successors and assigns are complying with the covenants and prohibitions contained in this Conservation Easement; (4) The right to enforce this Conservation Easement by injunction or proceed at law or in equity to enforce the provisions of this Conservation Easement and the covenants set forth herein, to prevent the occurrence of any of the prohibited activities set forth herein, and the right to require Grantor, or its successors or assigns, to restore such areas or features of the Property that may be damaged by any inconsistent activity or use or unauthorized activities;

Response: On August 13, 2018, Pasco County informed the Corps by letter, sent via email, of a modification to the design intent for the portion of the project from Suncoast Parkway to US 41 (aka, Phase II). All other aspects of the alternative known as Mod7 remain unchanged and this modified alternative is referred to as Mod7A. The design modification was to change Phase II access to be consistent with Pasco County's Arterial Roadway classification. Per the County's Land Development Code and Comprehensive Plan standards, the number of median openings with full access intersections along Phase 11 will be limited to not more than seven locations. Based on the access classification change, the need for a conservation easement has been eliminated and no further action is anticipated on this item.

11. As previously discussed between the Corps, U.S. Fish & Wildlife Service and Pasco County's consulting team, please provide an updated Biological Assessment (BA). The updated BA will be used to facilitate Section 7 Endangered Species Act consultation with the U.S. Fish & Wildlife Service (Service). The updates should be consistent with the information previously discussed and requested by the Service. Please ensure that the BA addresses all aspects of the proposed project (Phase I & II, and the interchange).

Response: The updated Biological Assessment was provided to the Corps on optical disc via US Mail on January 17, 2019. It is made up of three volumes/files. Volume I is the report and maps, Volume II contains Appendices A, B and C, and Volume 3 contains Appendices D and E. The update used the Services' requested format and addresses the entire project (Pasco County's Phase I & 11 and the FTE Interchange). Page 6 of 7

PG 7

Thank you for your consideration of these responses and we look forward to working with you to complete the Corps' review process.

Sincerely,

Margaret W. Smith, P.E. Engineering Services Director/ County Engineer

Encl.: USACE Permit Plans 3-19-19 Signed. pdf Copies Furnished: Sam Beneck, Pasco County Annemarie Hammond, Florida's Turnpike Enterprise Dwight Beranek, Dawson Associates Dave Barrows, Dawson Associates Tom Montgomery, NV5 Clif Payne, Jacksonville District Corps